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Oracle International Corp.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
AND SETH RAVIN, an individual,

Defendants.

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Case No. 2:10-cv-0106-LRH-PAL

**DECLARATION OF THOMAS
HIXSON IN SUPPORT OF
ORACLE'S MOTIONS *IN LIMINE***

1 I, Thomas Hixson, declare as follows:

2 1. I am a member of the State Bar of California, and a partner at Morgan, Lewis &
3 Bockius LLP, counsel of record for Plaintiffs Oracle USA, Inc., Oracle America, Inc., and
4 Oracle International Corporation (collectively, “Oracle” or “Plaintiffs”) in this action. I submit
5 this declaration in support of Oracle’s Motions *In Limine*. I have personal knowledge of the
6 matters stated herein and could and would testify competently about them if called upon to do so.

7 2. The Exhibits referenced below are all true and correct copies of excerpts from
8 final deposition transcripts, or documents produced in discovery or during the pretrial meet and
9 confer process. To minimize bulk, for ease of use, and to the extent possible without losing
10 context, only the relevant pages and information are included in these Exhibits. We have
11 provided yellow highlighting (in documents) and blue boxing (in transcripts) where possible to
12 further assist in identifying the information relevant to Oracle’s motion and cited in the
13 accompanying brief and to provide relevant context. We have also marked Exhibits that are
14 listed on the parties’ exhibit lists with the designated trial exhibit number.

15 **Deposition Transcripts**

16 1. Attached as an **Exhibit 1** is a true and correct copy of an excerpt of the transcript
17 of the April 21, 2011 deposition of Buffy Ransom, Oracle’s Vice President of Customer Support.

18 2. Attached as an **Exhibit 2** is a true and correct copy of an excerpt of the transcript
19 of the July 13, 2011 deposition of Richard Cummins, Oracle’s Vice President of Support Sales
20 for North America Strategic Accounts.

21 3. Attached as an **Exhibit 3** is a true and correct copy of an excerpt of the transcript
22 of the December 1, 2011 Rule 30(b)(6) deposition of James Dorvee, representative of Rimini
23 customer Sunrise Medical, Inc.

24 4. Attached as an **Exhibit 4** is a true and correct copy of an excerpt of the transcript
25 of the November 17-18, 2011 deposition of Seth Ravin, Rimini’s Chief Executive Officer.

26 5. Attached as an **Exhibit 5** is a true and correct copy of an excerpt of the transcript
27 of the September 16 and 23, 2008 Rule 30(b)(6) deposition of Richard Cummins, Oracle’s Vice
28 President of Support Sales for North America Strategic Accounts, taken in *Oracle Corp. v. SAP*

1 AG, No. 07-cv-01658 (N.D. Cal). A transcript of this deposition was produced and incorporated
2 into the discovery record in this case.

3 **Hearing Transcripts**

4 6. Attached as **Exhibit 6** is a true and correct copy of an excerpt of the transcript of
5 the May, 17, 2011 hearing held before Magistrate Judge Leen in this matter.

6 **Documents Regarding Relevant Licenses and Contracts**

7 7. Attached as **Exhibit 7** is a true and correct copy of Oracle Interrogatory Number
8 15, which Oracle served on Rimini as part of Oracle's Second Set of Interrogatories on January
9 27, 2011.

10 8. Attached as **Exhibit 8** is a true and correct copy of Defendants Rimini Street and
11 Seth Ravin's (together, "Rimini") March 1, 2011 Response to Oracle Interrogatory Number 15.

12 9. Attached as **Exhibit 9** is a true and correct copy of Rimini's December 19, 2011
13 Supplemental Response to Oracle Interrogatory Number 15, along with the associated Exhibits
14 A-C.

15 10. Attached as **Exhibit 10** is a true and correct copy of Rimini's January 12, 2012
16 Supplemental Exhibits A-C to its Supplemental Response to Oracle Interrogatory Number 15.

17 11. I have reviewed the licenses and website Terms of Use that are at issue in this
18 case. Most of them contain a choice of law provision selecting California law.

19 **Plaintiffs' and Defendants' Trial Exhibits ("PTX" and "DTX") & Documents Produced**
20 **During Discovery**

21 12. Attached as **Exhibit 11** is a true and correct copy of ORCLRS0260575, an April
22 24, 2006 internal Oracle email chain that was produced in this matter.

23 13. Attached as **Exhibit 12** is a true and correct copy of PTX 551, an October 28,
24 2008 letter produced by Rimini customer Sunrise Medical in this matter.

25 14. Attached as **Exhibit 13** is a true and correct copy of DTX 129, a June 28, 2007
26 letter written by Rimini's counsel.

27 15. Attached as **Exhibit 14** is a true and correct copy of an excerpt of DTX 154, a
28 document that was marked as Exhibit 1 at the December 14, 2011 Deposition of Safra Catz,

1 Oracle's Chief Executive Officer.

2 16. Attached as **Exhibit 15** is a true and correct copy of an excerpt of DTX, 290, an
3 Oracle report that was marked as Exhibit 1 at the July 13, 2011 deposition of Richard Cummins,
4 Oracle's Vice President of Support Sales for North America Strategic Accounts.

5 17. Attached as **Exhibit 16** is a true and correct copy of DTX 292, an Oracle report
6 that was marked as Exhibit 4 at the July 13, 2011 deposition of Richard Cummins, Oracle's Vice
7 President of Support Sales for North America Strategic Accounts.

8 18. Attached as **Exhibit 17** is a true and correct copy of DTX 293, an Oracle report
9 that was marked as Exhibit 3 at the July 13, 2011 deposition of Richard Cummins, Oracle's Vice
10 President of Support Sales for North America Strategic Accounts.

11 19. Attached as **Exhibit 18** is a true and correct copy of DTX 378, a June 5, 2006
12 letter written by Rimini's counsel.

13 20. Attached as **Exhibit 19** is a true and correct copy of DTX 379, a June 28, 2007
14 letter written by Rimini's counsel.

15 21. Attached as **Exhibit 20** is a true and correct copy of DTX 383, a July 13, 2007
16 letter written by Oracle's counsel.

17 22. Attached as **Exhibit 21** is a true and correct copy of DTX 384, an October 6, 2005
18 letter written by Rimini's counsel.

19 23. Attached as **Exhibit 22** is a true and correct copy of DTX 385, an October 11,
20 2007 letter written by Oracle's counsel.

21 24. Attached as **Exhibit 23** is a true and correct copy of DTX 387, a December 23,
22 2008 letter written by Oracle's counsel.

23 25. Attached as **Exhibit 24** is a true and correct copy of DTX 388, a July 31, 2007
24 letter written by Rimini's counsel.

25 26. Attached as **Exhibit 25** is a true and correct copy of DTX 397, a January 16, 2009
26 letter written by Oracle's counsel.

27 27. Attached as **Exhibit 26** is a true and correct copy of DTX 398, a December 3,
28 2008 letter written by Rimini's counsel.

28. DTX 411 is source code related to Rimini's technical processes that cannot be manageably converted into a readable document.

29. Attached as **Exhibit 27** is a true and correct copy of DTX 412, a June 2014 Provisional Application for Patent produced by Rimini in this action.

1. Attached as **Exhibit 28** is a true and correct copy of DTXs 413-440, which are Rimini documents about its alleged new support processes, dated June and July 2014, and one dated October 2013.

I declare under penalty of perjury that the foregoing is true and correct, and that I executed this Declaration on July 22, 2015 in San Francisco, California.

/s/ Thomas Hixson
Thomas Hixson